

House Bill 251 (AS PASSED HOUSE AND SENATE)

By: Representatives Morgan of the 39<sup>th</sup>, Kaiser of the 59<sup>th</sup>, Setzler of the 35<sup>th</sup>, and Dawkins-Haigler of the 93<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide the option for parents to enroll their child in another school within the local school system or in a school in another local school system; to provide for definitions; to provide for statutory construction; to provide for certain notifications regarding available space in classrooms; to provide for nepotism restrictions for eligibility for members of local boards of education and for local school superintendents; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding a new article to read as follows:

"ARTICLE 34

20-2-2130.

As used in this article, the term:

(1) 'Department' means the Department of Education.

(2) 'Parent' means a biological parent, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

20-2-2131.

(a)(1) Beginning in school year 2009-2010, the parent of a student enrolled in a public elementary or secondary school in this state may elect to enroll such student in a public school that is located within the school system in which the student resides other than the one to which the student has been assigned by the local board of education if such school

has classroom space available after its assigned students have been enrolled. The parent shall assume the responsibility and cost of transportation of the student to and from the school.

(2) No later than July 1, 2009, each local school system shall establish a universal, streamlined process available to all students to implement the transfer requirements of paragraph (1) of this subsection.

(3) A student who transfers to another school pursuant to this subsection may, at his or her election, continue to attend such school until the student completes all grades of the school.

(4) This subsection shall not be construed to affect any student currently attending a school other than the school to which the student has been assigned by the local board of education pursuant to a transfer authorized under the federal No Child Left Behind Act (P.L. 107-110).

(b) The department shall establish a model universal, streamlined process to implement the transfer provisions of this Code section. Each local board of education shall adopt a universal, streamlined transfer process that includes, at a minimum, such state model. Such local process shall include a deadline for submitting transfer requests.

(c) Each local school system shall annually notify prior to each school year the parents of each student by letter, electronic means, or by such other reasonable means in a timely manner of the options available to the parent under this article.

(d) The local school system shall notify parents by July 1 of each year which schools have available space and to which of these schools parents may choose to request a transfer for their children.

(e) This Code section shall not apply to charter schools.

(f) This Code section shall not apply to newly opened schools with available classroom space for a period of four years after the school opens."

## **SECTION 2.**

Said chapter is further amended by revising subsection (c) of Code Section 20-2-51, relating to election of county board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other offices, as follows:

"(c)(1) No person employed by or serving on the governing body of a private educational institution shall be eligible to serve as a member of a local board of education. No person employed by a local board of education shall be eligible to serve as a member of that board of education. No person employed by the Department of Education or serving as a member of the State Board of Education shall be eligible to serve as a member of a

60 local board of education. This ~~subsection~~ paragraph shall not apply to institutions above  
61 the high school level.

62 (2) No person who has an immediate family member sitting on a local board of education  
63 or serving as the local school superintendent or as a principal, assistant principal, or  
64 system administrative staff in the local school system shall be eligible to serve as a  
65 member of such local board of education. As used in this paragraph, the term 'immediate  
66 family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling,  
67 or parent. This paragraph shall apply only to local board of education members elected  
68 or appointed on or after July 1, 2009. Nothing in this Code section shall affect the  
69 employment of any person who is employed by a local school system on or before July  
70 1, 2009, or who is employed by a local school system when an immediate family member  
71 becomes a local board of education member for that school system."

### 72 SECTION 3.

73 Said chapter is further amended by revising subsection (b) of Code Section 20-2-101, relating  
74 to appointment of county school superintendents, as follows:

75 "(b)(1) No person shall be eligible to be appointed or employed as superintendent of  
76 schools of any county or independent school system unless such person is of good moral  
77 character, has never been convicted of any crime involving moral turpitude, and  
78 possesses acceptable business or management experience as specified by the Professional  
79 Standards Commission or the minimum valid certificate or a letter of eligibility for said  
80 certificate required by the Professional Standards Commission.

81 (2) No person shall be eligible to be appointed, employed, or to serve as superintendent  
82 of schools of any county or independent school system who has an immediate family  
83 member sitting on the local board of education for such school system or who has an  
84 immediate family member hired as or promoted to a principal, assistant principal, or  
85 system administrative staff on or after July 1, 2009, by that school system. As used in  
86 this subsection, the term 'immediate family member' shall have the same meaning as in  
87 subsection (c) of Code Section 20-2-51. Nothing in this Code section shall affect the  
88 employment of any person who is employed by a local school system on or before July  
89 1, 2009, or who is employed by a local school system when an immediate family member  
90 becomes the superintendent for that school system."

### 91 SECTION 4.

92 This Act shall become effective upon its approval by the Governor or upon its becoming law  
93 without such approval.

94

**SECTION 5.**

95 All laws and parts of laws in conflict with this Act are repealed.